

Application No. 09/630,624
Amendment filed June 30, 2004
Reply to Office Action dated January 30, 2004

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Remarks

Claims 21-40 are pending, with claims 21, 29, and 37 being in independent form. By the present amendment, claims 21-40 have been added without adding new matter and claims 1-20 have been canceled without prejudice or disclaimer.

In the Office Action, Claims 1-7, 9-14, and 16-20 stand rejected for anticipation by U.S. Patent No. 6,549,612 to Gifford ("Gifford"). Claims 8 and 15 stand rejected for obviousness over Gifford and U.S. Patent No. 6,223,291 to Puhl ("Puhl"). Although these rejections are rendered moot by the cancellation of claims 1-20, some of the distinguishing features of new claims 21-40 over the cited documents are discussed below.

Applicant describes methods, system, and apparatus for transmitting attachments from terminals without the need for an email client. That is, text messages including an attachment are transmitted in a radio-communication system based on phone number based addressing. This enables the sending of attachments from one phone number based terminal to another without requiring an email client or IP addressing capabilities for the terminals. That is, attachments can be processed by the terminals using the existing text messaging protocols, such as SMS, without using an email client.

For example, claim 21 defines a method for transmitting a text message including an attachment thereto in a radio-communication system that includes associating, at a first terminal having a phone number associated with the radio-communication system, a text message with an attachment, the text message being addressed to a second terminal having a phone number associated with the radio-communication system, the addressing being based on the phone number of the second terminal. The attachment is sent to a server and information is added to the text message that identifies the server. The text message is transmitted to the second terminal's phone number based address. The second terminal transmits a message to the server identified in the text message requesting the attachment and receives the attachment from the server.

To support a rejection under 35 U.S.C. § 102, each and every feature of the claimed invention must be shown in a single prior art document. Moreover, to establish a prima facie case of obviousness, the cited documents must teach or

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suggest all of the claim limitations. As discussed below, claims 21-40 positively recite limitations that are neither disclosed; nor suggested in the cited documents and are therefore not anticipated by, nor obvious in view of the cited documents.

Gifford discloses a method and system for providing unified message services to a subscriber. The subscriber utilizes an active interface embedded in an e-mail notification to control delivery of a non-literal, single media or multimedia message to the subscriber. Such a non-literal message includes, but is not limited to, any of a hyperlink-based message, a voicemail message, a facsimile, and a video clip. The active interface provides access to communications-related services as well, including access to stock/options trading and bill payment.

Gifford does not disclose or suggest sending a text message from a first terminal having a phone number associated with the radio-communication system to a second terminal via the second terminal's phone number based address, where the text message identifies a server where an attachment associated with the message was sent, as defined by claim 21.

In contrast, Gifford sends "enriched emails" to a recipient, which requires an email client that uses IP addressing and does not use phone number based addressing, as defined by claim 21. Gifford states, "Enriched E-mail as described herein is an e-mail message that has at least one of an HTML, WML, XML (or similar language) document attached thereto and which provides at least one user interface within the e-mail." See Col. 2, l. 65 to col. 3, l. 1. As is known in the art, email requires an email client and IP addressing, which may not be available to terminals in a radio-communication system sending text messages using, e.g., SMS. According to claim 21, attachments are forwarded for eventual receipt from one phone based addressed terminal to another without either terminal needing to know the IP address of the other. This is not the case in Gifford.

Moreover, in Gifford, messages are not sent by a terminal having phone based addressing in a radio communication system. Instead enriched emails are sent by a server. See, for example, col. 5, ll. 1-3 and col. 6, ll. 25-26. The enriched emails are therefore sent by a server having an email client/IP addressing, not a terminal having phone number based addressing, as in claim 21.

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Still further, an attachment is not associated with the message in a terminal having phone number based addressing; this function is instead performed by a server using an email client and having IP addressing in Gifford.

Puhl discloses a wireless electronic commerce system comprising a wireless gateway to a wireless network with which a wireless device having a unique client identifier (ID) is capable of communicating. A server or servers is/are coupleable to the wireless gateway, delivering content items (e.g. software products) to the wireless device and maintaining digital content certificates for content items and digital license certificates for licenses for the content items. The server maintains, for each wireless client associated with the system, a record of licenses for that client and a record of content items associated with each license.

Puhl, however, does not cure the above mentioned deficiencies.

Accordingly, since the cited documents fail to disclose or suggest all of the claim limitations for at least the above reasons, claim 21 is patentable over the cited documents. In addition, independent claims 29 and 37 are patentable for at least the same reasons.

The respective dependent claims are patentable for at least the same reasons. The dependent claims also define additional patentable features.

For example, claim 22 recites "the method is reciprocal such that the method can also be carried out for attachments sent by the second terminal to the server and received at the first terminal from the server." That is, the messages and attachment can be sent from the first to the second terminal or from the second to the first terminal. This is clearly not disclosed in the cited documents. Claim 30 defines analogous system features. Accordingly, claims 22 and 30 are patentable for these additional reasons as well.

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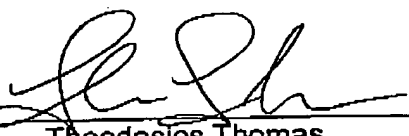
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For the foregoing reasons, Applicants consider the application to be in condition for allowance and respectfully request notice thereof at an early date. The Examiner is encouraged to telephone the undersigned at the below-listed number if, in the Examiner's opinion, such a call would aid in the examination of this application.

Respectfully submitted,

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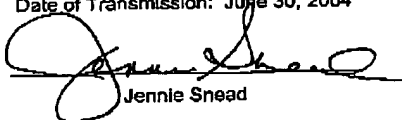
Date: June 30, 2004

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